

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
KNOXVILLE DIVISION**

JESSE PIERCE and MICHAEL PIERCE,	)	
on behalf of themselves and all others	)	
similarly situated,	)	CASE NO. 3:13-cv-641
	)	
Plaintiffs,	)	District Judge: Pamela L. Reeves
	)	Magistrate Judge: C. Clifford Shirley, Jr.
v.	)	
	)	
WYNDHAM VACATION RESORTS,	)	COLLECTIVE ACTION COMPLAINT
INC., and WYNDHAM VACATION	)	FOR VIOLATIONS OF THE FAIR
OWNERSHIP, INC.,	)	LABOR STANDARDS ACT OF 1938
	)	
Defendants.	)	
	)	

**PLAINTIFFS' NOTICE OF WITHDRAWAL OF  
PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

Come Plaintiffs and give notice of their withdrawal of Plaintiffs' Motion for Summary Judgment and related pleadings on the issue of whether Plaintiffs and Opt-in Plaintiffs were exempt from the overtime requirements of the FLSA pursuant to Section 207(i), commonly referred to as the retail or service establishment exemption. *See Docs. 239-241.*

On May 26, 2017, Defendants filed an Amended Answer withdrawing their affirmative defense based on the retail or service establishment exemption. *Doc. 260.* Defendants also withdrew Defendants' Motion for Summary Judgment on this issue. *Doc. 262.*

Based on the foregoing, Plaintiffs' Motion for Summary Judgment on this issue is moot, and Plaintiffs hereby give notice of withdrawal of Plaintiffs' Motion.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on June 2, 2017, a true and correct copy of the foregoing has been sent via electronic mail to the following:

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